

# United States District Court

for the  
Western District of New York

United States of America

Case No. 20-mj-1115

v.

**MARQUIES McTYERE a/k/a Phil  
SAMUEL ZITO, and  
ALEXANDER SCHIEPPATI**

**CRIMINAL COMPLAINT**

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*Defendants*

I, William J. Aiello, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Beginning on or about August 7, 2020, in the Western District of New York, and elsewhere, the defendants, **MARQUIES McTYERE a/k/a Phil, SAMUEL ZITO, and ALEXANDER SCHIEPPATI**, did knowingly, willfully, and unlawfully combine, conspire, and agree together and with others, known and unknown, to distribute 100 kilograms or more of a mixture and substance containing marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B); all in violation of Title 21, United States Code, Section 846.

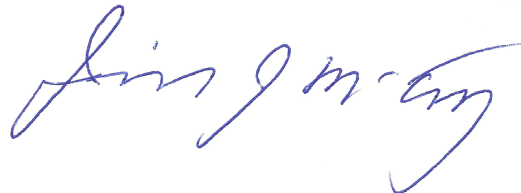
This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



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WILLIAM J. AIELLO  
Special Agent  
Homeland Security Investigations  
*Printed name and title*



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HONORABLE JEREMIAH J. McCARTHY  
UNITED STATES MAGISTRATE JUDGE

Sworn to me and signed telephonically.

Date: August 8, 2020

City and State: Williamsville, New York

**AFFIDAVIT**

STATE OF NEW YORK     )  
COUNTY OF ERIE         )     SS:  
CITY OF BUFFALO         )

I, **William J. Aiello**, being duly sworn, depose and say:

1. I am a Special Agent (“SA”) with the U.S. Department of Homeland Security, Homeland Security Investigations (“HSI”), Buffalo, New York and have been so employed in that capacity since June 2010. Prior to my appointment as an HSI Special Agent, I served as United States Postal Inspector in Richmond, Virginia with the United States Postal Inspection Service (USPIS) from February 2007 to June 2010. Prior to working for USPIS I was employed as a Henrico County Police Officer in Henrico, Virginia. I am currently assigned to the HSI Buffalo Border Enforcement and Security Task Force (“BEST”), an HSI sponsored law enforcement task force comprised of local, state, federal, and Canadian law enforcement officers co-located in Buffalo, New York and tasked with combatting transnational criminal organizations (“TCOs”) exploiting vulnerabilities of the shared international border. As such I am a law enforcement officer of the United States, within the meaning of Section 115(c) (1) of Title 18, United States Code, who is “authorized by law or by Government agency to engage in or supervise the prevention, detection, investigation or prosecution of any violation of Federal criminal law.” My duties as a Special Agent with HSI include the investigation of money laundering, bulk cash smuggling and financial fraud violations.

2. I make this affidavit in support of a criminal complaint charging **SAMUEL ZITO (“ZITO”), MARQUIES MCTYERE a/k/a Phil (“MCTYERE”) AND ALEXANDER SCHIEPPATI (“SHIEPPATI”)** with violating Title 21, United States Code, Section 846 (conspiracy to possess with intent to distribute, and to distribute, 100 kilograms or more of a mixture and substance containing marijuana, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)).

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, and upon my training and experience. Because I am submitting this affidavit for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that **ZITO, MCTYERE, and SCHIEPPATI** violated Title 21, United States Code, Section 846.

#### **PROBABLE CAUSE**

4. On August 6, 2020, your affiant was contacted by the United States Customs and Border Protection (CBP) regarding a truck attempting to enter the United States from Canada at the Lewiston Bridge Port of Entry. The truck was a box truck belonging to Freightboy Logistics. The load was coming from Freightboy Logistics in St. Catherines, Ontario and was to be delivered to Freightboy Logistics in Niagara Falls, NY. The truck

was being driven by a Freightboy Logistics employee (hereinafter, the driver). The driver told CBP Officers he was delivering a mixed load to Freightboy Logistics on Wittmer Road in Niagara Falls, NY. After dropping the load off there he was to pick up another load at UPS and then return to Canada. The Bill of Lading provided to CBP by Freightboy indicated the load was including two skids of unassembled office furniture metal workstations. The two skids were to be picked up at Freightboy Logistics by Agility Freight and delivered to Metro Installation in Chantilly, VA. The load was organized by Xclusive Freight out of Toronto, Ontario. CBP inspected the two skids and found them to contain 32 cardboard boxes. Inside the boxes were individually vacuum sealed packages of a green leafy substance believed to be marijuana. CBP conducted a Duquenois Levine Reagent test of the substance in the packages and found the substance to be positive for the presence THC which indicates the substance to be marijuana. The total approximate weight was 600 pounds, which is more than 100 kilograms.

5. HSI agents contacted Metro Installation in Chantilly, VA to verify they were expecting a load from Xclusive Freight. Metro Installation was not aware of any impending loads. The Bill of Lading was therefore false. HSI and CBP escorted the load on the Freightboy Logistics truck to be taken to Freightboy Logistics located at 4450 Wittmer Industrial Estates, Niagara Falls, NY. Freightboy Logistics agreed to allow HSI to maintain surveillance of the load of marijuana. Freightboy contacted Xclusive Freight and notified them that the load could be picked up between 8:00am and 10:00am on August 7, 2020. Xclusive Freight stated that someone would be there to pick up the load before 12:00pm. At

approximately 2:00pm, a small U-Haul, bearing Arizona license plate AE06016, entered the parking lot of Freightboy Logistics. U-Haul was contacted and stated the vehicle was rented at 6:16am by **SCHIEPPATI** at the U-Haul located on Military Road in Niagara Falls, NY. A white male, later determined to be **SCHIEPPATI**, was observed driving the U-Haul. After parking in the front lot for approximately 10 minutes, the U-Haul left. HSI agents observed the U-Haul, driven by **SCHIEPPATI**, stop and fill up the gas tank with gas. After leaving the gas station the U-Haul then returned to Freightboy Logistics front parking lot. **SCHIEPPATI** entered the front door and inquired about picking up a load for Xclusive Freight. He was directed to the back loading docks where he parked and asked a dock worker about a load for Xclusive Freight. After verifying paperwork and while under surveillance by HSI, Freightboy loaded the two skids of marijuana into the back of the U-Haul.

6. **SCHIEPPATI** left the Freightboy Logistics parking lot and proceeded to drive to the back parking lot of the Super 8 Motel located on Niagara Falls Boulevard in Niagara Falls. **SCHIEPPATI** parked in the back lot at approximately 3:48 p.m. **SCHIEPPATI** was then observed by agents exiting the vehicle and entering the back of the U-Haul and close the door. At approximately 4:25 p.m., a grey Hyundai SUV entered the parking lot and parked next to the U-Haul truck. At the same time, a white BMW sedan pulled in and parked next to the Hyundai SUV. A black male exited the Hyundai and opened his trunk, while at the same time a white male exited the BMW and opened his trunk. The black male was later identified as **MCTYERE** and the white male as **ZITO**. The white male grabbed what

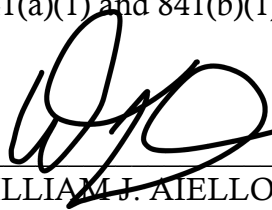
appeared to be a black hockey style bag. Both males then walked toward the back of the U-Haul truck. **SCHIEPPATI** was observed opening the door to the back of the U-Haul with something in his hand. **SCHIEPPATI** exited the U-Haul, walked to the woods by the parking lot and threw something black. The black male then walked into the woods and grabbed the object but threw it down as well. HSI agents then entered the parking lot and placed all three subjects into custody.

7. HSI agents observed in the back of the U-Haul approximately 8-10 black garbage bags filled with the marijuana that was located in the boxes on the skids. HSI agents also discovered a black hockey style bag in the back of the U-Haul. **SCHIEPPATI** stated to agents that he was just a runner and would be willing to speak with law enforcement. **SCHIEPPATI** was transported to the HSI Office in Buffalo NY and interviewed by HSI agents. **SCHIEPPATI** stated he is a runner for **ZITO** and has done a few jobs for him over the past couple years. He was contacted by **ZITO** this morning and told to rent a U-Haul and pick up a load of marijuana at Freightboy Logistics in Niagara Falls, NY. **ZITO** told **SCHIEPPATI** to pay for load out of his own money and he would be paid \$3,000 to deliver the load to a location he would be told after he picked it up. **SCHIEPPATI** stated after he picked up the load he was in constant contact with **ZITO** who directed him to park in the Super 8 Motel. He identified **MCTYERE** as "Phil" who was **ZITO**'s boss. He stated "Phil" is a major player in the local drug game. When **SCHIEPPATI** arrived at the Super 8 he was directed by "Phil" to repackage all of the weed in garbage bags. **SCHIEPPATI** discovered a black device he believed to be a GPS tracker inside one of the boxes of marijuana.

Upon discovering the device, **MCTYERE** and **ZITO** had arrived and were at the back of the U-Haul. **SCHIEPPATI** stated that **MCTYERE** made the statement, “Oh f\*\*k”, and **ZITO** made the statement, “We are screwed”. **SCHIEPPATI** then threw the device into the woods. **MCTYERE** went to retrieve it but ended up throwing it as well.

### CONCLUSION

8. Based upon the foregoing, I respectfully submit that I have probable cause to believe that **ZITO, MCTYERE AND SCHIEPPATI** have violated Title 21, United States Code, Section 846, in that the three conspired to possess with intent to distribute, and to distribute 100 kilograms or more of a mixture and substance containing marijuana, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).



WILLIAM J. AIELLO  
Special Agent  
Homeland Security Investigations

Sworn and subscribed telephonically  
this 8<sup>th</sup> day of August 2020.



HONORABLE JEREMIAH J. McCARTHY  
United States Magistrate Judge